

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 70638

James P. Wiley  
Verna Wiley

7228 Fairbrook Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 15, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312; 35; 35-5-302 (b)(1)(3)(5); Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, failure to remove all junk, trash and debris, failure to complete all repairs needed on house on residential property zoned DR 5.5 known as 7228 Fairbrook Road, 21244.

On April 27, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Charles Krick issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: James Wiley, Respondent and, Charles Krick, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 5, 2009 for removal of trash and debris, repair exterior structure, repair/replace front porch roof, replace front porch rain gutter, replace rear soffit, replace rear downspout, remove flaking paint and repaint. This Citation was issued on April 27, 2010.

B. Inspector Charles Krick testified that his initial inspection found numerous repairs were needed on this house. Re-inspections found that some of the repairs were done, and he allowed additional time for completion. This Citation was issued after there appeared to be no more repairs being done. Re-inspection on June 10, 2010 found the needed repairs not completed, but ladders at the house and evidence that work is being done. Photographs in the file show broken and missing gutters and downspouts. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302.

C. Respondent James Wiley testified that he is almost done with the needed repairs and requested another two weeks to complete the work. He testified that he cannot go up ladders himself and is relying on coworkers to assist him.

D. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by August 2, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 21<sup>st</sup> day of June 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.